



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Virginia Department of Social Services
VAC Chapter Number:	22 VAC 40-35-10, 22 VAC 40-35-90
Regulation Title:	VIP (Virginia Independence Program)
Action Title:	Establishment of Proposed Regulations
Date:	April 19, 2000

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation provides for qualifying participants of VIEW (Virginia Initiative for Employment not Welfare) to receive transitional employment and training services after they have come to the end of their twenty-four months or participants whose cases were not in sanction at case closure. The regulation explains qualifying criteria, time frames and the services to be provided.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Pursuant to §63.1-25 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs. These regulations are necessary for the state to regulate its state TANF program.

The 1999 Virginia Acts of Assembly (399.G, page 341) gives the authority to provide up to one year of transitional employment and training services, if needed, to former VIEW clients that were not sanctioned under VIEW at the time their TANF case closed. These regulations are needed for the purpose of implementing the law in those areas.

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation. The proposed regulation does comport with the applicable state law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The proposed regulation is essential in order to provide one year of transitional employment and training services to VIEW participants if needed and if participants qualify for services. These participants will be former VIEW clients that were not sanctioned under VIEW at the time their TANF case closed.

Local agencies have reported that VIEW participants, who have left at the end of twenty-four months, though employed, are employed in low wage employment. These participants still need further assistance to maintain employment and also to obtain employment at higher wages that will allow self-sufficiency. The transitional employment and training services that this regulation provides will enable localities to provide these services to the participant who has left the VIEW program after twenty-four months.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The VIP regulation will require that transitional employment and training services will be accessible if needed, to VIEW participants whose twenty-four months have ended and VIEW participants whose cases were not sanctioned at case closure (22 VAC 40-35-90). The regulation will define Transitional Supportive Services (22 VAC 40-35-10).

Also, the regulation will list time frames that the program is to last for participants. All activities in transitional employment and training services will be approved by a caseworker. Individuals will not be enrolled in an activity which cannot be completed within twelve months. The case-worker will supervise to ensure satisfactory progress in the activity (22 VAC 40-35-90).

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

This regulation is designed to allow agencies to extend supportive employment and training services to VIEW participants who have come to the end of their 24 months of cash assistance. Even though they may be employed their employment may be in low wage jobs. The extension of supportive employment services can result in employment with higher wages that will lead to self-sufficiency.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

This proposed regulation will result in no additional cost to the state or localities. The increased benefit costs of \$1, 135, 083.00 will be funded from federal funds (TANF Block Grant).

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

In 22 VAC 40-35-10, Definitions, the definition of Transitional Services is amended. In 22 VAC 40-35-90, Services is amended starting at D.1. through 7. These amendments explain what additional services this proposed regulation will provide. For D.1. through 7, this is original text added to Services.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Consideration was given to not extend the services to all persons that close their TANF cases. All of the participants do not need the extended services, such as persons that have an associate degree or four year degree. They already have the necessary tools to obtain higher levels of employment. Persons whose cases that closed while in sanction will be ineligible to receive extended services. Participants in the FEP (Full Employment Program) will not be allowed to participate since their TANF case is still open. The participant will receive twelve months of transitional employment and training services which will run concurrent with the existing transitional services. This policy will allow all localities to provide the extended services to participants if needed.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

The Notice of Intended Regulatory Action was published on December 20, 1999 for a 30-day comment period. No comments were received.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The Department of Social Services, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The Department of Social Services will review the regulation to determine if it should be continued, amended or terminated. This regulation is aimed at providing transitional employment and training services to participants after they've reached their 24 months to ensure higher levels of employment that would lead to self-sufficiency. A review will be initiated by July 1, 2003 or three years after the effective date of this regulation, whichever is earlier.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation will provide the additional employment services assistance some parents will need to retain jobs and increase earnings. A parent with stable employment will be a good role model for their children as the children see the increased self-esteem of a parent who is succeeding in the workplace and is providing for the needs of their family.

Parents who gain more marketable job skills that would allow them to enter into higher levels of employment will have larger amounts of disposable income available to the family and will be better able to provide for the long term needs of family members. The increased income will allow the family to make different decisions that will affect their lives in a positive way, such as better housing choices and perhaps the ability to save some money for longer term goals.

Marital and family commitments should be strengthened as a result of more stable employment and the career advancement services provided in this additional year of transitional employment services. The financial stress that often cause families in poverty to break up will be mitigated by enhancing the parent's ability to be successful in the world of employment.